

ADVISORY OPINION 2000-002

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

April 10, 2000

Katherine Mercer
Meade County Clerk
P.O. Box 614
516 Fairway Drive #1
Brandenburg, Kentucky 40108

Dear Ms. Mercer:

This is in reference to your letter dated March 9, 2000 requesting an advisory opinion on behalf of the Meade County Democratic Woman's Club ("the Club") of which you are a member. You state that the Club proposes to transport voters to the polls on election day for the 2000 Primary and, perhaps, advertise such a service. You further indicate that the Club also plans to transport voters during the November general election to promote the Democratic ticket. As indicated by your telephone communication on March 27, 2000, members of the Club will provide transportation services personally, and no payments to third parties will occur.

In your letter, you refer to KRS 119.205(4), which provides that:

Any candidate or committee, or any person on his behalf, who pays any person, including campaign workers, for transporting voters to the polls on the day of the election, shall make all payments by check. All payments, regardless of amount, shall be reported to the Registry of Election Finance in the manner that the Registry shall provide by administrative regulation. (Emphasis added.)

Advisory Opinion 2000-002
Katherine Mercer
Meade County Democratic Woman's Club
April 10, 2000
Page -2-

Based upon the facts provided in your letter and confirmed by your telephone communication, no person or entity will be offered payment for transporting voters; therefore, KRS 119.205(4) is not applicable. However, if the Club spends more than \$100.00 on transportation costs, it must report the contribution as a contributing organization pursuant to KRS 121.015(4), if made on behalf of any candidate, campaign committee or executive committee of a political party. See 32 KAR 1:060, Form KREF 012.

Further, there is nothing in KRS Chapter 121 to prohibit the Club from advertising this service. However, an advertisement expressly advocating the election or defeat of a clearly identified candidate must contain a disclaimer as provided under KRS 121.190(1).

This opinion reflects the Registry's consideration of the specific transactions posed by your letter. If you have any additional questions, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center
General Counsel

RFC/jh

Enclosures

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